

Wessels.

Williams
of Montgomery.

Absent.

Brown.
Estes.
Lackey.Melson.
Teer.

Question next recurring on resolution, as amended, it was adopted.

Mr. Burmeister moved to reconsider the vote by which the resolution as amended was adopted and to table the motion to reconsider.

The motion to table prevailed.

APPOINTMENT OF PAGES.

The Speaker announced the appointment of the following pages:

Durham Durham, Norwood Roberdeau, Thomas Gullett, Jeff Reese, Harry W. Battle, Archibald Gay, Paul Midkiff, Joe Hill, Randolph Brasfield, John Mulkey, W. T. Johnson, Litten Eanes, Walter Guess, Earl Lawler, George Gillespie, Kelley Spillar, Holmes Gilbert, Thurman Phillips, John Hall, Alton Veil, Oliver Caldwell, Quinton Lacey.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 1, "An Act making an appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Regular Session of the Thirty-seventh Legislature of the State of Texas, convened on the 11th day of January, 1921; providing how accounts may be approved, and declaring an emergency."

S. B. No. 2, "An Act to make an appropriation to pay the contingent expenses of the Regular Session of the Thirty-seventh Legislature of the State of Texas, convened January 11, 1921; providing how accounts may be approved, and declaring an emergency."

S. B. No. 3, "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1921, and declaring an emergency."

MISCELLANEOUS COMMITTEE REPORTS.

The following bills were today reported favorably by the appropriate committees as follows:

Appropriations: Senate bills Nos. 1, 2 and 3.

ADJOURNMENT.

On motion of Mr. Henderson of McLennan, the House, at 5:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

FOURTH DAY.

(Friday, January 14, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Hanna.
Aiken.	Hardin.
Baker.	Harrington.
Baldwin.	Henderson
Barker.	of McLennan.
Barrett of Bell.	Henderson
Barrett of Fannin.	of Marion.
Bass.	Hendricks.
Beasley	Hill.
of Hopkins.	Horton.
Beasley	Johnson of Ellis.
of McCulloch	Johnson
Binkley.	of Wichita.
Bonham.	Jones.
Black, O. B.,	Kacir.
of Bexar.	Kellis.
Black, W. A.,	King.
of Bexar.	Kveton.
Branch.	Lackey.
Bryant.	Laird.
Burkett.	Laney.
Burmeister.	Lauderdale.
Burns.	Lawrence.
Carpenter.	Leslie.
Childers.	Lindsey.
Chitwood.	Looney.
Coffee.	McCord.
Cox.	McDaniel.
Crawford.	McFarlane.
Crumpton.	McKean.
Cummins.	McLeod.
Curtis.	Malone.
Darroch.	Martin.
Davis, John E.,	Marshall.
of Dallas.	Mathes.
Davis, John,	Merriman.
of Dallas.	Miller of Dallas.
Dinkle.	Miller of Parker.
Duffey.	Moore.
Duncan.	Morris of Medina.
Edwards.	Morris
Estes.	of Montague.
Faubion.	Mott.
Fly.	Neblett.
Fugler.	Owen.
Garrett.	Patman.
Greer.	Perkins
Grissom.	of Cherokee.
Hall.	Perkins of Lamar.

Perry.	Sweet of Brown.
Pollard.	Sweet of Tarrant.
Pool.	Teer.
Pope.	Thomas
Quaid.	of Limestone.
Quicksall.	Thomason.
Quinn.	Thompson
Rice.	of Harris.
Rogers of Harris.	Thompson
Rogers of Shelby.	of Red River.
Rosser.	Thorn.
Rountree.	Thrasher.
Rowland.	Veatch.
Satterwhite.	Wadley.
Schweppe.	Walker.
Seagler.	Wallace.
Shearer.	Webb.
Sims.	Wessels.
Smith.	West.
Sneed.	Westbrook.
Stephens.	Williams
Stevenson.	of McLennan.
Stewart	Williams
of Edwards.	of Montgomery.
Stewart of Reeves.	Wright.
Swann.	

Absent.

Beavens.	Melson.
Brady.	Morgan.
Brown.	Neinast.

A quorum was announced present.
(Mr. Miller of Dallas in the chair.)

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVE OF ABSENCE GRANTED.

Mr. Melson was excused for today on account of important business on motion of Mr. Beasley of Hopkins.

RELATING TO GERMAN-AMERICAN LEAGUE.

Mr. Thompson of Harris offered the following resolution:

H. C. R. No. 4, Relating to German-American League.

Whereas, The National League of German-Americans, according to press dispatches appearing in the newspapers of this State, in a recent meeting at Chicago, adopted a resolution demanding that a candidate given the approval of this league be placed in the Cabinet of President-elect Warren G. Harding.

Whereas, This league, according to said press dispatches, has prepared for submission to President-elect Harding a list of candidates it approves.

Whereas, Charles W. Scruggs, adjutant of the Department of Texas, American Legion, and various other officials of the American Legion in Texas have declared themselves in accord with the

view that this seems to be a deliberate effort to revive German-Americanism and to frustrate the country's efforts to make its citizens Americans and Americans only.

Whereas, Various units of the American Legion in Texas have requested their State and national adjutants to protest to President-elect Harding against the proposed placing of a candidate demanded by the German-American League in his Cabinet, and the adjutant of the Department of Texas, American Legion, has agreed to comply with these requests; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Thirty-seventh Texas Legislature endorses the stand taken in this matter by the American Legion in Texas, and adds its protest against the proposed action to that of the Department of Texas, American Legion.

Resolved further, That the Clerk of the House of Representatives be instructed to forward a copy of this resolution to President-elect Warren G. Harding at Marion, Ohio.

Signed—Thompson of Harris, Beavens.

The resolution was read second time and was adopted.

TO PAY TEMPORARY PORTERS.

Mr. Owen offered the following resolution:

Whereas, The following named porters worked the number of days set after their names in the necessary work of cleaning and preparing the Hall of the House, and getting the same in readiness for the session, to wit:

Charlie Jackson, five days.

G. W. Jones, four days.

George Allen, four days.

Joe Brunson, five days.

John Norwood, four days.

H. S. Stroggin, four days.

J. E. Johnson, five days.

Therefore be it resolved, That they each be paid as compensation for their services \$3 per day for each day served, same to be paid out of the contingent expense fund of the House.

The resolution was read second time and was adopted.

BILL RE-REFERRED.

On motion of Mr. Stewart of Reeves, House bill No. 15 was withdrawn from the Committee on State Affairs and referred to the Committee on Conservation and Reclamation.

PROVIDING COPIES OF REPORT OF INVESTIGATING COMMITTEE.

Mr. Beasley of McCulloch offered the following resolution:

Whereas, There are in the hands of the Secretary of State 150 copies of the report of the general investigating committee of the Thirty-fifth Legislature; and

Whereas, The information contained in said report will be of great assistance to the members of the House in the consideration of legislation affecting the various departments of the State government; therefore, be it

Resolved by the House of Representatives, That the Sergeant-at-Arms of the House be and hereby is directed to secure and place upon the desk of each member of the House a copy of said report, same to be returned to the custody of the Secretary of State at the end of the present session of the Legislature.

The resolution was read second time and was adopted.

RELATING TO INTERURBAN RAILWAY PASSENGER FARE.

Mr. Malone offered the following resolution:

Whereas, The Northern Texas Traction Company has within the past two weeks raised the passenger fare about 33 per cent on its interurban line between Fort Worth and Dallas; and

Whereas, According to information possibly other interurban lines in North Texas have raised their passenger fares; and

Whereas, Prior to the war and during the war period said interurban line or lines were operating at a profit according to reports of their officers; and

Whereas, There can be no reason, or at least there has been no reason given or shown to the public for the necessity of such increase at this time when all other prices and the cost of living is declining; and

Whereas, Said increase in fares is working a hardship upon the people, especially who live in the rural or urban districts lying between those cities, who have builded their homes along said interurban and who have to ride these lines in going to and from their work in the cities; and

Whereas, According to information received, said interurban lines did not apply to the Railroad Commission for a permit to raise said rate or give any

other notice to said body; therefore, be it

Resolved by the House of Representatives of the State of Texas, That this matter be brought to the attention of the Railroad Commission and that they be requested to make a thorough investigation of the reason or reasons for said increase in rates aforesaid, and that they file their report of said investigation with the Chief Clerk of the House of Representatives, and any recommendation they may care to offer if any, in connection with same in the way of legislation covering this matter and that the Railroad Commission advise the House whether or not said interurban lines are now under their jurisdiction and control and that the finding of said investigation be given the widest publicity.

The resolution was read second time and was adopted.

RELATING TO TARIFF LEGISLATION.

Mr. Crumpton offered the following resolution:

Whereas, There is now pending before the United States Senate a measure known as the "House Emergency Tariff Bill"; and

Whereas, The proponents of the measure take the position that the enactment thereof will aid the agricultural interests and alleviate, to a degree, the distress of the farmers; and

Whereas, We believe that the enactment of the measure will have the opposite effect, and will be the means of fostering and the levying of additional tribute upon the masses; and

Whereas, It has been one of the time honored traditions of the Democratic party to oppose special legislation that tends to, or aids or fosters special interests; therefore, be it

Resolved by the Thirty-seventh Legislature of the State of Texas, assembled, That it is the sense of this body that said bill should be defeated, and we request our Senators to work to that end.

The resolution was read second time.

Mr. Jones moved to refer the resolution to the Committee on Federal Relations.

Mr. Baker moved to table the motion to refer the resolution to the Committee on Federal Relations, and the motion to table was lost.

Mr. Quicksall moved to refer the resolution to the Committee on Agriculture.

The motion of Mr. Quicksall prevailed.

VOTE FOR GOVERNOR, ETC.

The Speaker laid before the House, for consideration at this time, the following report:

Committee Room,
Austin, Texas, January 13, 1921.

Hon. W. A. Johnson, President of the Senate, and Hon. C. G. Thomas, Speaker of the House of Representatives:

Sirs: Your joint committee appointed to arrange for counting the votes and for the inauguration of the Governor and Lieutenant Governor, beg leave to recommend that the House and the Senate meet in joint session in the Hall of the House of Representatives on Monday, the 17th day of January, A. D. 1921, at 10:30 o'clock a. m., for the purpose of counting said votes, and that the House and Senate sit in joint session in the Hall of the House of Representatives on Tuesday, the 18th day of January, A. D. 1921, at 12 o'clock noon, at which time the joint committee will escort the Governor and Lieutenant Governor-elect to the Speaker's stand, and the oath of office will be administered to them by Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas.

WOODS,
WITT,
BUCHANAN,
WOOD,
DARWIN,

On the part of the Senate.

BLACK, O. B., of Bexar,
JONES,
NEBLETT,
ROUNTREE,
THRASHER,
SMITH,

MILLER of Dallas,

On the part of the House.

On motion of Mr. Jones, the report was adopted.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Curtis and Mr. Garrett:

H. B. No. 70, A bill to be entitled "An Act to require public gins in this State to secure a permit from the Commissioner of Markets and Warehouses from and after July 1, 1921, and annually thereafter, making it unlawful to operate a public gin without such permit; defining a public gin; providing

a penalty for violation of this act; fixing the venue of prosecutions under this act; authorizing the Commissioner of Markets and Warehouses to cancel the permit when the gin is operated in violation of law, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Curtis and Mr. Garrett:

H. B. No. 71, A bill to be entitled "An Act to prevent any person, firm or association of persons operating any cotton seed oil mill in this State or operating any packing house, or any member, agent or employe of either, from owning, operating or holding any character of interest in any public cotton gin in this State, and to prohibit the owner, operator or employe of any cotton gin in this State from acting as the agent of any cotton seed oil mill, or any packing house in the purchase of cotton seed; also, to prohibit any officer, director, agent or employe of any corporation operating any cotton seed oil mill in this State or operating any packing house, from owning, operating or holding any character of interest in any public cotton gin in this State; defining 'cotton seed oil mill' and 'packing house,' and defining 'public cotton gin'; providing the time the act shall become effective, and fixing penalties."

Referred to Committee on Agriculture.

By Mr. Curtis and Mr. Garrett:

H. B. No. 72, A bill to be entitled "An Act prohibiting the operation of a corporation for the dual purpose of owning, controlling or operating any cotton seed oil mill, and of owning, controlling or operating any public cotton gin; also, prohibiting any corporation chartered for the purpose of operating any cotton seed oil mill, from owning, controlling or operating, directly or indirectly, any public cotton gin in this State; and also prohibiting any corporation, chartered for the purpose of operating any packing house, from owning, controlling or operating, directly or indirectly, any public cotton gin in this State, or any cotton seed oil mill in this State, or from owning, directly or indirectly, any interest in any public cotton gin or any cotton seed oil mill in this State; providing suitable penalties, forfeitures, and procedure for enforcing this act; prohibiting any interference with or restriction of competition in the sale, handling or marketing

of cotton seed; fixing the time for compliance with the provisions of this act; prohibiting domestic and foreign corporations having no legal authority or permit to do a ginning business or cotton seed oil business, to be in any manner engaged in, or in any manner interested therein in this State, or to own stock or any interest in any corporation, foreign or domestic, or joint stock association or partnership so engaged; providing penalties, punishment and procedure for all corporations and persons violating this act; defining the terms 'cotton seed oil mill,' 'public cotton gin,' and 'packing house,' and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Rogers of Harris:

H. B. No. 73, A bill to be entitled "An Act to repeal Chapter 3, of the laws enacted at the Special Session of the Legislature, September 21, 1920, entitled 'An Act authorizing cities of one hundred thousand population or more, situated along or upon navigable streams in the State of Texas, and owning and operating municipal wharves, docks or warehouses for the development of commerce to appoint pilot boards for their respective cities and granting such cities exclusive jurisdiction over the pilotage of boats between the Gulf of Mexico and their respective ports; prescribing the qualifications for such pilot boards; granting such city councils or boards of commissioners the right, power and authority to retain in office or remove any branch or deputy pilot to office at the time this act takes effect; and to appoint, suspend or remove from office any or all deputy pilots; prohibiting any member of such pilot board from being directly or indirectly interested in the towing business or in any pilot boat, or any other business or directly or indirectly affected by, or connected with his duties as such commissioners of pilots; granting such cities the right, power and authority to fix rates of pilotage and all needful regulations thereof compatible with Federal regulations within the limits of their respective ports, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Owen:

H. B. No. 74, A bill to be entitled "An Act to amend Article 2778 of the Revised Civil Statutes of Texas, so as

to increase compensation of the scholastic census enumerators."

Referred to Committee on Education.

By Mr. Melson:

H. B. No. 75, A bill to be entitled "An Act to amend Article 5479, of Chapter 1, Title 80, of the Revised Civil Statutes of Texas, relating to issuance of distress warrants."

Referred to Judiciary Committee.

By Mr. Owen:

H. B. No. 76, A bill to be entitled "An Act to amend Article 381 of the Penal Code of the State of Texas further defining and extending the term nepotism."

Referred to Committee on Criminal Jurisprudence.

By Mr. Owen:

H. B. No. 77, A bill to be entitled "An Act to repeal Chapter 179 of Acts of Regular Session of the Thirty-fifth Legislature requiring the publication of certain legal notices in newspapers."

Referred to Judiciary Committee.

By Mr. Fugler:

H. B. No. 78, A bill to be entitled "An Act to amend Section 45, Chapter 13, of the Third Called Session of the Thirty-fifth Legislature, such section being an amendment to the law regulating the use and operation of motor vehicles upon public highways, passed at the Regular Session of the Thirty-fifth Legislature, and providing penalties for the violation of certain provisions of said act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Owen:

H. B. No. 79, A bill to be entitled "An Act to amend Article 6949 of the Revised Civil Statutes of the State of Texas further defining the duties of commissioners courts with reference to expenditure of road and bridge fund."

Referred to Committee on Counties.

By Mr. Mott and Mr. Carpenter:

H. B. No. 80, A bill to be entitled "An Act to prohibit the bringing of suits in this State to collect delinquent taxes levied for the year 1920, until after January 31, 1922; and to remit the ten per cent penalty heretofore imposed upon delinquent taxpayers; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Barrett of Bell:

H. B. No. 81, A bill to be entitled "An Act to amend Articles 4600 and 4601, Chapter 7, Title 66, of the Revised Civil Statutes of Texas, 1911 (being Articles 784 and 785 of the Revised Criminal Statutes of Texas, 1911), relating to fees to be paid by applicants for licenses as embalmers and the annual fees to be paid by registered embalmers, to provide a penalty for the violation thereof or the failure to pay such fees, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patman:

H. B. No. 82, A bill to be entitled "An Act to repeal Section 8, of Chapter 4, of the Local and Special Laws passed at the Third Called Session of the Thirty-fifth Legislature, which was 'An Act to create a more efficient road law for Cass county,' and which section provides that all citizens of Cass county between the age of twenty-one and fifty years shall be subject to road duty and are required each to pay four dollars per annum in lieu of all laws requiring road duty, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Barrett of Bell:

H. B. No. 83, A bill to be entitled "An Act to allow commissioners courts of the several counties of this State to appropriate funds for farm demonstration work, and girls' canning club work, when such appropriations have been authorized by a majority vote of the qualified taxpaying electors of such counties, providing for ordering the election upon a petition requesting such election and publication of the necessary proclamation, for making returns as now provided by law and providing that such election shall not be held oftener than every two years, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Brady:

H. B. No. 84, A bill to be entitled "An Act to amend Article 2925 and Article 2926, Title 49, Chapter 2, Revised Civil Statutes of Texas, relating to the compensation of election judges and clerks."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Brady:

H. B. No. 85, A bill to be entitled "An Act to aid Galveston county conservation and reclamation district No. 1 in elevating and raising said district so as to protect it from calamitous overflows by donating and granting to said district the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston county for a period of ten years, and to provide a penalty for this misapplication, and to authorize said district to issue bonds for the purposes mentioned, granting the right of eminent domain to said district and authorizing the board of directors thereof to acquire for and on behalf of the district by purchase, gift, grant or condemnation, title to any right of way and other property, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Stewart of Edwards:

H. B. No. 86, A bill to be entitled "An Act abolishing the Live Stock Sanitary Commission of the State of Texas and the office of each and every member thereof; conferring the authority, power, duties, functions, rights and liabilities of said Commission and the members thereof upon the Commissioner of Agriculture of the State of Texas; making available to the Commissioner of Agriculture all appropriations made by the Legislature for said Live Stock Sanitary Commission and the members thereof; conferring upon the Commissioner of Agriculture power to dispense with any of the work or employes where to do so would prevent duplication of work or contribute to efficiency and economy."

Referred to Committee on Stock and Stock Raising.

By Mr. Curtis:

H. B. No. 87, A bill to be entitled "An Act amending Section 5217 of the Revised Civil Statutes of Texas of 1911, relating to the rendering of verdicts by juries, and providing that ten or more jurors may return a verdict in any civil case in which the jury is composed of twelve members, and that four or more jurors may return a verdict in any civil case in which the jury is composed of six members, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Mott and Mr. Rice:

H. B. No. 88, A bill to be entitled

"An Act creating and incorporating the Pennington Independent County Line School District of Trinity and Houston counties, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the general laws of Texas pertaining thereto; providing for a board of trustees; raising of revenue by taxation; issuing bonds and maintaining public free schools therein; vesting all lands, buildings and other property owned and held for public free school purposes in said district; providing that all outstanding bonded indebtedness of the Pennington Common County Line District No. 30 of said counties shall be validated and made a valid obligation against the Pennington County Line School District of Trinity and Houston counties, Texas; and declaring valid a maintenance and bond tax heretofore voted by said Pennington Common County Line School District, and declaring an emergency."

Referred to Committee on Education.

By Mr. Swann:

H. B. No. 89, A bill to be entitled "An Act amending Section 7 of Article 30 of the Revised Civil Statutes of Texas of 1911, as amended by Sections 3, 8 and 9 of the Acts of the Thirty-fifth Legislature, providing for the changing and fixing the time of holding the courts of the Seventh Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the district court, which may now be in session, until its term expires by law, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Rogers of Harris:

H. B. No. 90, A bill to be entitled "An Act to prevent the fraudulent employment of counsel and settlement of personal injury claims growing out of injuries suffered by the negligence of common carriers or other persons while the injured parties are incapable of exercising sound discretion as to the legal nature and consequences of their act."

Referred to Judiciary Committee.

By Mr. Adams:

H. B. No. 91, A bill to be entitled "An Act to amend Sections 1 and 7 (designated in the caption of the act to

be amended, as Sections 1494a and 1494f of Chapter 2 of Title 29 of the Revised Statutes of 1911) of Senate bill No. 6, passed at the Regular Session of the Thirty-fourth Legislature, entitled 'An Act to amend Chapter 2 of Title 29 of the Revised Statutes of 1911, by adding thereto Articles 1494a, 1494b, 1494c, 1494d, 1494e, 1494f, 1494g, 1494h and 1494j so as to place the finances of all improvements, navigation, drainage, road or irrigation districts, and all other districts that are now in existence by authority of law, or that may hereafter be created, under the control and supervision of the county auditor, in all counties containing a population of one hundred and ten thousand or more, as shown by the United States census of 1910, in which there now exists a county auditor, or in which a county auditor may hereafter be created, and providing for the filing, auditing and approving by him of all bills of said districts, and providing a method of drawing and paying said warrants, and providing for the prescribing of all necessary forms and the supervision by the auditor of the various funds of said districts, etc., and repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Rogers of Harris:

H. B. No. 92, A bill to be entitled "An Act to require the operators of all railroads, street cars and interurbans, or receivers thereof, doing business in this State as common carriers, to report the names of all persons receiving free transportation upon the cars of said companies, or who are granted mileage tickets for passage in return for services or advertisement; and to report all moneys that have been paid out on judgments in damage suits separately from the cost thereof, and to report the salaries paid to all of the attorneys representing the railroad, street car railway or interurban companies; said reports to be made to the Railroad Commissioners of this State once a year, beginning with the first day of January of each year."

Referred to Committee on Common Carriers.

By Mr. Wessels:

H. B. No. 93, A bill to be entitled "An Act creating the LaGrange Independent School District in Fayette county, Texas; defining its boundaries; pro-

viding for a board of trustees in said district; providing that the present board of trustees shall continue in office until the expiration of their terms and their successors shall have been elected and qualified as provided by general law; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore voted upon the territory hereby incorporated as the LaGrange Independent School District shall remain in full force and effect; providing for the repeal of Chapter 2 of the Local and Special Laws passed by the Third Called Session of the Thirty-sixth Legislature, and declaring an emergency."

Referred to Committee on Education.

By Mr. Hill:

H. B. No. 94, A bill to be entitled "An Act to apportion the State of Texas into senatorial districts, and declaring what counties shall constitute each senatorial district, and creating an emergency."

Referred to Committee on Senatorial Districts.

By Mr. Hall:

H. B. No. 95, A bill to be entitled "An Act to provide for surety companies to become surety on the official bond of any officer of the State, or any county, precinct or other political subdivision of a county, and to provide for the payment of the premium to such surety company by the State, county or political subdivision for the benefit and protection of which such bond is required to be made, and repealing all laws in conflict therewith."

Referred to Committee on State Affairs.

By Mr. Hall:

H. B. No. 96, A bill to be entitled "An Act to amend Title 29 of the Revised Statutes of the State of Texas, and Chapter 2 thereof, and Articles 1467a, 1468, and 1476 thereof, and Chapter 134 of the General Laws of the Regular Session of the Thirty-fifth Legislature, page 339 thereof, providing more fully for placing common and independent school district accounts thereof, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Hall:

H. B. No. 97, A bill to be entitled "An Act to regulate the purchase of supplies and materials and contracts for labor on behalf of school districts and to require competitive bids therefor; and providing that no school trustee shall have financial interest in any contract of his school district for supplies, materials or labor, and declaring an emergency."

Referred to Committee on Education.

By Mr. Mott:

H. B. No. 98, A bill to be entitled "An Act extending the boundaries of the Trinity Independent School District, enlarging the same and defining its boundaries, and providing that the management and control of all public free schools within said enlarged district shall be vested in the present board of public school trustees of the Trinity Independent School District and their successors in office, as now provided in the general laws of the State of Texas, and conferred upon boards of public school trustees of independent school districts; and providing that such added land and territory shall not be in any manner subjected to the payment of any portion of the bonded indebtedness now outstanding against the present Trinity Independent School District, the district as it existed prior to the enlargement thereof prior to the passage of this act, and providing that none of the land, territory and property by this act added to said Trinity Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may have been heretofore levied and assessed by a vote of the people in said added territory as now provided by the general laws of this State, or as may hereafter be voted by the people of said enlarged district, as provided by the general laws of this State, and investing said Trinity Independent School District with all the powers, rights and duties of independent school districts, incorporated for free school purposes only, as now provided by the general laws of this State for such districts, naming the fiscal year as to taxes, and declaring an emergency."

Referred to Committee on Education.

By Mr. Carpenter and Mr. Mott:

H. B. No. 99, A bill to be entitled "An Act to amend Section 31, Chapter

157, of an act relating to the protection of wild game, birds, etc., passed at the Regular Session of the Thirty-sixth Legislature and known as House bill No. 457, by adding to said Section 31 the prohibiting of hunting deer with dogs."

Referred to Committee on Game and Fisheries.

HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. John Davis of Dallas:

H. J. R. No. 6, Proposing an amendment to Section 2, Article 6, of the Constitution of the State of Texas, by providing that only native born or naturalized citizens of the United States shall be qualified electors in this State, and permitting either the husband or the wife to pay the poll tax of the other and receive the receipt therefor, and permitting the Legislature to authorize absentee voting.

Referred to Committee on Constitutional Amendments.

By Mr. John Davis of Dallas:

H. J. R. No. 7, Proposing an amendment to Section 3, of Article 7, of the Constitution of the State of Texas, by limiting the amount of the poll tax collected by the State to fifty cents; giving the Legislature authority to authorize incorporated towns and cities to collect a poll tax not to exceed fifty cents and by counties not to exceed twenty-five cents.

Referred to Committee on Constitutional Amendments.

By Mr. John Davis of Dallas:

H. J. R. No. 8, Proposing an amendment to Section 50, of Article 3, of the Constitution of the State of Texas, so that hereafter the Legislature shall have power to give or lend the credit of the State for the purchase and improvement of rural and urban homes.

Referred to Committee on Constitutional Amendments.

By Mr. Curtis:

H. J. R. No. 9, Relating to the amending of Article 8, Section 14, of the State Constitution of the State of Texas, abolishing the office of county tax assessor and devolving the duties of

said officer upon the county tax collector.

Referred to Committee on Constitutional Amendments.

By Mr. Burkett:

H. J. R. No. 10, Proposing to amend Sections 1, 2, 3, and 6, of Article 5, of the Constitution of the State of Texas, as follows: By increasing the members of the Supreme Court of Texas to nine or more: providing for the Supreme Court to sit in sections of three members each; abolishing the Courts of Civil Appeals of Texas; cutting the State into as many supreme judicial districts as there are members of the Supreme Court; providing for appeals to lie direct from the trial courts to the Supreme Court, except in certain cases; and transferring all cases before the Courts of Civil Appeals to the Supreme Court; and further providing that no judge of the Supreme Court shall sit in any case appealed from the district from which he is elected; and making an appropriation to pay the necessary expenses hereof.

Referred to Judiciary Committee.

MESSAGES FROM THE GOVERNOR.

Miss Annie Houghton, assistant secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Governor's Office.

Austin, Texas, January 12, 1921.

To the Thirty-seventh Legislature in Regular Session:

I transmit for your consideration a memorial from each and all of the Regents of the University of Texas, the same having been adopted in formal meeting.

I believe no higher duty devolves upon the Legislature than that set forth in Section 10, Article 7 of the Constitution, to establish, organize and provide for the maintenance, support and direction of a university of the first class.

It is apparent that the present site of the University of Texas will not permit of necessary expansion, and the desired end will not be accomplished unless ample room is afforded in the first instance for the development of such a university as will meet the growing demands of this State.

I, therefore, join in approval of the recommendation to locate the University of Texas at Austin, as the people of

this State have voted, on the proposed site, donated for the purpose and offering an ideal location for the building of a university on a comprehensive scale and capable of such expansion as may be necessary as the years pass.

I feel that the matter calls for consideration at this time because of the necessity for additional buildings to take care of present needs, and it is obvious that a decision as to the permanent site of the University should be reached before large sums are spent on a site which, in the wisdom of your body or of a subsequent Legislature, may have to be abandoned.

I, therefore, submit the matter to your honorable body for such consideration and disposition as the combined wisdom of its members may dictate.

Respectfully submitted,

W. P. HOBBY,
Governor.

To the Honorable William P. Hobby, Governor of Texas; to the Honorable Pat M. Neff, Governor-elect of Texas, and to the Honorable Senate and House of Representatives of the Thirty-seventh Legislature.

Gentlemen: We, the members of the Board of Regents of the University of Texas, desire with great respect to call the attention of your honorable bodies to the following facts and circumstances under which we labor in our efforts to discharge the obligations which our commissions impose. For nearly thirty-eight years this board and its predecessors have earnestly endeavored to build and maintain for the young men and women of Texas a university of the first class, comparable to other institutions of like sort in this Republic and conformable to the demands of the Constitution and laws of this State. This we now respectfully submit we have been unable to do except to a limited extent, and it is our deliberate conviction that the ideal which we have before us and which this great commonwealth deserves and desires cannot be more nearly attained upon the foundation which has been laid and under the constitutional limitations by which our powers are restricted.

In the past seven years the attendance in the Main University and its branches has increased more than one hundred per cent, necessitating the erection of numerous unsightly, insanitary and unsafe wooden buildings for instruction purposes, the crowding of classrooms and laboratories to the detriment of the health of students and the standards

of living, and causing the expense of maintenance to increase in undue proportion to the service which can be rendered. This increase in enrollment has further revealed the fact that suitable living quarters for students cannot be found, which accounts for the relatively smaller advancement in attendance this year, for we are reliably informed that the parents of not less than two hundred and fifty prospective students came to Austin in September and failing to find any sort of accommodations sent their sons and daughters elsewhere for their training. It is certain, therefore, that the University of Texas has reached its maximum growth upon its present foundation, whereas its history shows a normal increase of from ten to twenty per cent each year and by nothing less than can it keep pace with the rapidly advancing demands which the people are making upon it for service. The United States Commissioner of Education has recently reported that Texas leads all the States in the Union in the proportion of high school graduates who go to college, and we confidently believe that by 1925 the University of Texas, in the light of the experience of other States much smaller than Texas, should have a long session attendance of not less than 7500 students, exclusive of extension students.

In addition to this, we beg to submit that only three buildings upon the present campus are of fireproof construction; that one of the most essential has been condemned as unsafe; that they are all together inadequate and outgrown; and that most of the valuable equipment which is the accumulation of years of effort, and which cost more than a million dollars, is in constant jeopardy of destruction by fire, to say nothing of the loss of life which might be incurred, which we are endeavoring to forestall by fire drills to the serious disturbance of class and laboratory exercises. The wooden buildings which we have been compelled to erect are not only subject to all the above criticism, but are positively wasteful economically on account of the rapidity of their depreciation.

Further, not only is the physical plant of the University inadequate, outworn and dangerous, but the present campus, consisting of only forty acres, is too small, not only for the growth which we anticipate, but even for the buildings now required. In the early days of the University's existence, sufficient real estate could have been secured contiguous to the present site at a nom-

inal expenditure, but this is no longer true. Practically all of the land necessary for the present and future development of the institution is encumbered with residential and other buildings which can be of no possible use to the University and would therefore have to be demolished to make room for structures adapted to its purpose, involving an economic waste which our judgment cannot approve. Many of these are homes about which the affections of generations have gathered and, even if their acquisition would secure for the University adequate grounds for its future expansion, which we believe it would not do, we cannot face with equanimity its development at the cost of the bitterness which such a course must inevitably produce. Further than this, we believe that the financial outlay required is prohibitive. We have recently made a careful investigation of this matter, and have ascertained that to acquire land in an amount which might meet the conditions for even a single generation would require the expenditure of approximately five million dollars, and at the end of that period the University and the State would face in all probability the same problems by which they are now confronted. And, in as much as the buildings alone which are now necessary, according to the schedule attached hereto, call for the expenditure in the next five years of ten million dollars, we cannot submit to you the appalling proposal to expend the sum of five millions in addition for the mere purchase of land, if there be any other available solution of that problem.

The difficulties above outlined are made even more serious by the fact that the Constitution of Texas makes it impossible for the Legislature to appropriate any funds from the general revenue or to levy any tax for the erection of permanent buildings or for the purchase of land for the University, and the two unsuccessful attempts which have been made in recent years to amend the Constitution in that and other particulars do not encourage us to believe that any immediate remedy can be expected from that source.

We therefore beg leave to submit for your consideration and favorable action the following proposals, which have been adopted by the unanimous vote of the regents:

1. We propose that the Thirty-seventh Legislature endorse the action of the Board of Regents to move the Main University from its present site to the land on the Colorado river given

some years ago by Hon. George W. Brackenridge, of San Antonio. This proposed site is of commanding importance, beautifully located, and should be adequate for all future conceivable needs of the University. It consists at present of nearly five hundred acres, situated on both banks of the river; and, in addition to his other benefactions, Mr. Brackenridge before his death proposed to purchase approximately three hundred acres contiguous thereto, all of which was to be deeded by him in fee simple to the State of Texas for the use of the University. The death of Mr. Brackenridge may make some changes in the forms of his benefactions to the University, but we are convinced that the land in question should be acquired. Options to purchase a large part of the additional land are in hand, and the remainder can be obtained at a fair valuation, if necessary by court procedure. A map of the city of Austin is attached to this memorial, showing the proposed site.

2. We propose that the Thirty-seventh Legislature purchase from the Board of Regents the present campus and buildings of the University, at a valuation to be agreed upon between your honorable bodies and the Board of Regents, reserving to the University the right of continued occupancy thereof until the new plant can be completed. We submit that these premises and buildings can be used to advantage by the State government as offering a suitable location for the State Library, the Supreme and appellate courts, and other State departments, with sufficient ground for their future development.

3. We propose that the Thirty-seventh Legislature make an appropriation to reimburse the available University fund for moneys which have been expended from this fund for maintenance of the University, which expenditures were properly chargeable to the general revenue of the State. The amount so expended is upwards of \$3,000,000. If the University available fund could have been conserved for building purposes, the needs of the institution would today be more adequately supplied.

4. We propose that the Thirty-seventh Legislature authorize the Board of Regents to assign, upon such terms and conditions as the board may determine, certain lots or plats of ground out of the acreage referred to under proposal 1 hereof to churches, institutions, and organizations maintained and

operated primarily for the benefit of the University, and to individuals connected with these organizations or with the administrative or instruction staffs of the University, the purpose of this proposal being to gather all such salutary influences about the institution and at the same time to hold the University lands free from the dangers of private exploitation.

5. We propose that the Thirty-seventh Legislature submit to the people of Texas such constitutional amendments as will enable future Legislatures to provide for the completion of the plant and for the proper maintenance of the University. In this connection, we submit our belief that the form of the present University endowment can be changed so that it may be made to cover the major portion of the building and equipment needs of the University with little additional cost to the people of Texas than that entailed by the second and third proposals of this memorial.

In the event that your honorable bodies should concur in the foregoing recommendations, the following conditions would appear:

1. There would then be available for buildings and equipment for the biennium beginning September 1, 1921, the sums realized from the appropriations requested in Proposals 2 and 3 of this memorial, and in addition to this approximately \$1,000,000 from the University available fund, conditioned, however, upon full appropriations for maintenance by the Thirty-seventh Legislature for the biennium. We are further assured that the Scottish Rite Masonic Bodies of the State have provided for the erection of dormitories for students of the University in the next four or five years at the cost of \$1,000,000. These sums would go far toward meeting the demands of the main University, less, of course, any sums which might be required for the Medical Branch and the College of Mines and Metallurgy, and could be made adequate for the needs of the institution if construed with sufficient liberality by your honorable bodies, provided that such construction would not in your judgment impose too great a burden upon the taxpayers of the State.

2. The interests of economy will be served by planning and building at practically one time or upon a definitely continuous program. The whole architectural and landscaping scheme could be established by matured consideration of the styles and relative lo-

cations of individual buildings in a consistent group, and the necessary expense of fees for such buildings could be reduced to cover only the cost of the grouping scheme and the detailed drawings of typical buildings, the work of supervision and the plans for buildings following established types being largely under the University resident architect.

3. The adoption of the proposals herein outlined would in our judgment furnish such a foundation as would appeal to the collective generosity of the ex-students of the University and at the same time offer to other wealthy citizens of Texas opportunities for the utilization of their means, affording to all such assurance of both adequacy and permanency as to encourage them to share with the State the burden of both equipment and support. We believe that no inconsiderable part of the proposed initial expenditure over and above the amounts herein named would be forthcoming from private sources.

We therefore most respectfully request and urge your consideration of these proposals and your early and favorable action upon them. We believe that the people of Texas desire some such consummation as is contemplated herein and that they will not consider them exorbitant or themselves unduly burdened by their cost. The visions and purposes of the fathers of Texas were broadly conceived, but they still remain unrealized and unaccomplished. We, as a Board of Regents, find it impossible to continue our present disjointed and disappointing efforts in this direction, at least without disburdening ourselves of the obligations of failure by reference of these matters to you upon whom the responsibility rests as the representatives of the people. We believe that the execution of these proposals will rob the future of any opportunity to feel that we have administered the affairs of our generation with that lack of vision which we so often charge against the past.

All of which is respectfully submitted by the Board of Regents in called session assembled, in the city of Austin, Texas, January 5, 1921.

FREDERICK W. COOK,

Chairman;

W. R. BRENTS,

J. A. KEMP,

C. E. KELLY,

LOUIS J. WORTHAM,

HENRY J. LUTCHER STARK,

H. A. WROE,

W. H. FOLTS,

E. H. PERRY.

The University of Texas,
Austin, Texas, January 10, 1921.

President R. E. Vinson, the University.

Dear Sir: On January 5, 1921, the Board of Regents of the University adopted a memorial to Governor Hobby, Governor-elect Neff and the honorable Senate and House of Representatives of the Thirty-seventh Legislature, recommending the removal of the University from its present site to the Brackenridge tract on the Colorado river. The attached pamphlet contains a true and correct copy of that memorial.

Very truly yours,

(Seal) E. J. MATHEWS,
Secretary Board of Regents.

Personally appeared before me, on this the 10th day of January, 1921, E. J. Mathews, known by me to be the secretary of the Board of Regents of the University of Texas, who affirmed that the above statements are true and correct.

(Signed) E. R. CORNWELL,
(Seal) Notary Public.
In and for Travis County, Texas.

Tentative List of Buildings Desirable for the University of Texas.

1. Library building, to be used for library, library school, seminary rooms, historical museum.
2. Academic Hall, to be used for classrooms for languages, mathematics, social sciences, philosophy and psychology, public speaking, administrative offices.
3. Women's Building, to be used for women's headquarters, women's physicians, home economics.
4. Women's Gymnasium.
5. Auditorium Building, to be used for grand auditorium, little theater, lecture hall.
6. School of Music.
7. Commons.
8. Men's Hall, to be used for men students' associations, literary societies, oratorical and other men's activities, friendly rooms, Alumni Association.
9. Men's Gymnasium, to be used for baths and swimming pool.
10. Law School.
11. School of Education.
12. Standard Practice School.
13. Bureau of Extension.
14. Fine Arts Hall (architectural wing only).
15. Texas Museum, to accommodate anthropology, etc.

16. Chemistry, to be used for chemical engineering.

17. Physics.

18. Natural History Hall, to be used for natural museum, botany, geology, Bureau of Economic Geology, etc., zoology.

19. Printers' Hall, to be used for journalism, press, publicity.

20. Business Administration.

21. Engineering group.

22. Powerhouse, tunnels and shops.

23. Greenhouses.

24. Dormitories for 4000 students (1000 will live in Austin).

Governor's Office,

Austin, Texas, January 8, 1921.

To the Thirty-seventh Legislature in Regular Session.

Gentlemen: Upon my recommendation, the Thirty-sixth Legislature, the Fourth Called Session thereof, enacted House bill No. 6, known as the "Open Port Bill," not only extending those powers of the State which may be properly exercised to keep the ports of Texas open, but to facilitate the movement of commerce by all common carriers and to protect all persons engaged in the work of loading and unloading freight or in any work incident to transporting commerce in this State. The purpose of this measure has been wilfully distorted by those who are enemies of law and order and its terms have been widely misrepresented by a few persons, for selfish purposes, and by others who have been misled and deceived as to the purpose and effect of the act.

I urge the careful reading of this act by each and every member of your honorable body, and if a way can be found to strengthen it in the purposes sought to be accomplished, I trust, in your wisdom, it will be done; while, on the other hand, I trust that even an effort will not be made to impair its usefulness.

It has been untruthfully called an "Anti-strike Law." It does not interfere with the right of any person to strike, but does seek to prevent persons from compelling others to strike against their will and judgment.

It is in Section 4 that the offense which this act penalizes is defined. Therefore, if the right to strike is taken away, it can only be through Section 4 of the act, which is as follows:

Section 4. "It shall be unlawful for any person or persons by or through the use of any physical violence or by threatening the use of any physical violence, or

by intimidation or threatening destruction of his property to interfere with or molest or harass any person or persons engaged in the work of loading or unloading or transporting any commerce within this State."

It has been falsely stated that the act interferes with the right of collective bargaining, and also infringes upon the inalienable right of workers to organize for mutual advancement and for their own protection. Collective action is mentioned only in Section 5, and if either of these rights are invaded, it can only be through Section 5 of the act which is as follows:

Section 5. "It shall be unlawful for any two or more persons to conspire together to prevent, or attempt to prevent, by the use of physical violence or intimidation or by threats of physical violence or by abusive language spoken or written to any person engaged in loading or unloading or transporting any commerce within this State or performing the duties of such employment."

It is manifest, therefore, from a reading of the act that those who claim that this law interferes with the right to strike cannot substantiate the claim. It prohibits alike all persons, whether strikers or not, from beating up, assaulting, or intimidating other persons engaged in peaceable and lawful work, and from driving such persons so engaged from such work.

It is equally plain that those who claim that the act interferes with collective bargaining and the sacred right of organization cannot substantiate the claim unless the right of collective bargaining and of organization carries with it the right of two or more persons to conspire together and by the use of physical violence and assault or abusive language, spoken or written, or by insults and intimidation, interfere with a person peaceably engaged in lawful work.

The "sacred right to strike" must not be construed to destroy the sacred and inalienable right to peaceably work at a lawful occupation, nor to drive by violence and abuse, from work, those who may not be peaceably persuaded or convinced.

Persons who impede the movement of commerce or perpetrate or direct violence and molestation against those who labor in a peaceable manner in a lawful occupation are made guilty of a felony if violence is used or life is threatened to drive such laborer from his lawful pursuits, and guilty of an offense pun-

ishable by confinement of one to twelve months in the county jail, if the interference is by means less offensive. It provides, too, that if the State cannot obtain a fair trial for the prosecution of offenders in a county where an indictment is brought under the provisions of the act, the venue may be changed to an adjoining county upon motion of the Attorney General of the State. This is an indispensable provision, for without this power given to the chief law officer of the State, the worse local conditions should become in any place the more certainly would the enforcement of the law become a mockery.

This act also provides that if local authorities are failing to enforce the law and are failing to protect life and property and the Governor is convinced of this fact, he, upon proclamation, may take police jurisdiction where the interference occurs, and State rangers and special officers may be used under the direction of the Governor to enforce the provisions of the act, while said police jurisdiction by the Governor shall supersede the police authority of any local character in the area described by proclamation. While operating under the proclamation of the Governor, and only then, indictments against those who attempt to interfere with the movement of commerce or those who infringe upon the right of the individual to engage in honorable work may be returned by grand juries in adjoining counties if the grand juries in counties where violations occur fail in their duty.

Under the terms of this act, the enforcement of the law and the preservation of peace, when made a mockery by persons interfering with the movement of commerce, is rendered possible, and the way provided through a new but simple method of giving life and vitality to those powers the people of Texas in their Constitution have reposed in the Governor of the State. In other words, the law-making body has thus made it possible for the Governor in a more efficient and practical manner than has heretofore been the case to faithfully execute the laws, which responsibility is imposed upon him by the Constitution.

The prosperity of Texas depends upon keeping open the channels of trade. This is indispensable to every class of our people. The farmer, the laborer, every producer and every consumer is alike interested in the best markets in which to buy and sell. The uninterrupted movement of freight is essential to our great-

er development. Through the medium of this act a public policy has been written into the laws of the State contributing to the welfare of the people generally and affording certainty of transportation to each and every line of business and safeguarding the movement of the crops of Texas whose congestion would bring serious loss not only to the farmers and merchants but to consumers throughout the land; a fact which we all know and with which we might, but for this law, be brought face to face at any time.

But aside from the benefits to the material interests of the State involved in this measure, there is a higher reason for the existence of this law. The principle which it puts into statutory form is contained in the Declaration of Independence. It is as old as the oldest principle of human liberty. It is the pursuit of happiness with which that fundamental document declares every citizen to be endowed by the Creator, and to be inalienable from him. It declares the rule of human freedom without which there can be no State, no society, no peace, no happiness, and that is the inalienable right of every free man to work in any honest and peaceable occupation that he may elect, so long as he harms no one: the right of an honest man to do unmolested an honest day's work to support himself and his family. The most sacred right of the individual, not less sacred even than life and liberty, is, according to our high fundamental law, the pursuit of happiness.

The meaning of "pursuit of happiness" and its inalienable character have been determined by the Supreme Court of the United States in a decision by Justice Field, concurred in by the court, from which I quote as follows (U. S. Reports, Vol. 111, p. 756):

"As in our intercourse with our fellow men certain principles of morality are assumed to exist, without which society would be impossible, so certain inherent rights lie at the foundation of all action, and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the Declaration of Independence, that new evangel of liberty to the people. We hold these truths to be self-evident—that is, so plain that their truth is recognized upon mere statement—that all men are endowed—not by edicts of emperors, or decrees of Parliament, or acts

of Congress, but 'by their Creator with certain inalienable rights'—that is, rights which cannot be bartered away or given away, or taken away except in punishment of crime—and that among these are life, liberty, and the pursuit of happiness, and to secure these—not grant them, but secure them—'governments are instituted among men deriving their just powers from the consent of the governed'—

"Among these inalienable rights, as proclaimed in that great document is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment.

"The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same conditions. The right to pursue them, without let or hindrance except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright."

A measure which protects the commerce of Texas and is designed to keep open the arteries of trade, which outlaws violence, threats, intimidation, harassment and molestation when applied against those who labor and at the same time is founded upon one of the fundamental principles written in the Declaration of Independence, the greatest of all documents giving expression to the purpose of free government, will, I feel confident, commend itself to your favor and receive cordial support at your hands.

Respectfully submitted,

W. P. HOBBY,
Governor.

RELATING TO TRANSPORTATION ACT OF 1920.

Mr. Miller of Dallas offered the following resolution:

H. C. R. No. 5, Supporting the Attorney General in various legal proceedings, resisting the provisions of the Transportation Act of 1920, known as the Cummins-Esch Bill, providing for appropriating such sums as may be necessary for this purpose.

Be it resolved by the House of Rep-

representatives of the State of Texas, the Senate concurring. That

Whereas, There is now pending in the various courts of the land, both Federal and State, litigation involving the validity of the Constitution and laws of Texas, and which will result in testing the validity of the Cummins-Esch Bill in its features, wherein encroachments are made upon the proper provision and jurisdiction of the Railroad Commission of Texas and the Constitution and the laws of the State of Texas: and

Whereas, The Attorney General is now faithfully representing the State of Texas to the best of his ability and the means at his hands; and

Whereas, We recognize that it is the duty of the law making power of this State to render the proper aid and support; therefore, be it

Resolved, That we commend the Attorney General and Railroad Commission of Texas in their efforts to uphold the Constitution and laws of Texas, and to pledge to them all necessary and proper aid and assistance; and if necessary, have the Attorney General employ counsel and incur necessary expenses in vindication of the laws of the State of Texas. We pledge to him to use for this purpose, the sum of fifty thousand dollars, or so much thereof as may be necessary, or such additional sum as may be required to defend the Constitution and laws of the State of Texas, and the authority of our State to deal with its own intrastate transportation matters.

The resolution was read second time.

On motion of Mr. Fly, the resolution was referred to the Committee on Appropriations.

PROVIDING FOR INVESTIGATION OF STATE DEPARTMENTS, ETC.

The Speaker laid before the House, as unfinished business, for consideration at this time,

H. C. R. No. 2, Providing for inquiry into the cost of administration of various departments of the State government, to ascertain the advisability of dispensing with certain departments, boards, commissions and committees, or combining the same with other departments under a general head; to ascertain what work now performed by any department, board, commission or committee should be transferred to some other department; to ascertain what duplications of work exist in the various departments, the causes thereof and how

such duplications of work may be eliminated; to ascertain the necessity for and extent of the work done by employees in the service of the State and the general efficiency and qualifications of such employees for the work now required of them; to ascertain the number of employees in each department of the State government whose services may be dispensed with without impairment of or injury to the public service; providing for the appointment of a joint committee of the House and Senate to conduct such inquiry; the organization of such committee, prescribing its powers, duties and authority; fixing the place for holding sessions of the committee; payment of its expenses, fixing pay for stenographers and clerks for such committee, and fixing time for such committee to file its reports, and defining the nature of such reports.

The resolution having been read second time on Tuesday, January 12, and Mr. Owen having on that day moved to refer the resolution to the Committee on State Affairs.

Question recurring on the motion to refer, it prevailed.

RELATING TO ASSISTANT CHIEF CLERK.

Mr. McCord moved to reconsider the vote by which the resolution offered on yesterday by Mr. John Davis of Dallas, providing for the appointment of an Assistant Chief Clerk, was adopted.

The motion to reconsider prevailed.

Question recurring on the resolution, it was lost.

RECESS.

On motion of Mr. Fly, the House, at 11 o'clock a. m., took recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by Speaker Thomas. (Mr. Miller of Dallas in the chair.)

TO INCREASE PAY OF SERGEANT-AT-ARMS.

Mr. O. B. Black of Bexar offered the following resolution:

Whereas, The following named officers have an increase of salary to \$7.50 a day, to wit: the Chief Clerk, the Journal Clerk, Reading Clerk and the Speaker's Private Secretary; and

Whereas, The Sergeant-at-Arms' duties are just as responsible as that of the other officers named; therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby allowed \$7.50 a day from the day he began work for the Thirty-seventh Legislature.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 2, Supporting the Attorney General in various legal proceedings resisting the provisions of the Transportation Act of 1920, known as the Cummins-Esch bill; providing for appropriating such sums as may be necessary for that purpose.

Respectfully,

A. W. HOLT,
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Pollard, the House, at 4:30 o'clock p. m., took recess to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m. and was called to order by the Speaker.

EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Assistant to Engrossing Clerk—Mrs. Bessie Strong.

Speaker's Private Stenographer—S. R. Harrington.

Messenger to Confederate Woman's Home—J. T. Cartwright.

Messenger to Confederate Home—T. J. Walker.

Page assigned to Chas. C. Rice—Francis Cook.

Stenographers—Miss B. Willingham, Miss Bessie Wood, Miss Fannie Moore.

EXTRA COPIES HOUSE JOURNAL.

On motion of Mr. Williams of McLennan, the Journal Clerk was authorized to arrange for the printing of six hundred extra copies of the House Journal for today.

STANDING COMMITTEES OF THE HOUSE.

The Speaker announced the assignment of members of the House on the standing committees, as follows:

Rules.

Messrs. Miller of Dallas, Chairman; Seagler, Vice Chairman; Cox, Satterwhite, John Davis of Dallas.

Appropriations.

Messrs. Satterwhite, Chairman; Quaid, Vice Chairman; Bass, Thomason, Henderson of Marion, Aikens, Thompson of Harris, Mott, Morris of Medina, Thrasher, King, Adams, Rountree, Stephens, Wright, Moore, West, Beasley of McCulloch, McKean, Barrett of Bell, Williams of McLennan.

Judiciary.

Messrs. Cox, Chairman; John Davis of Dallas, Vice Chairman; Henderson of McLennan, Burkett, Cummins, Smith of Travis, Hill, Neblett, Seagler, Jones, Lackey, Baldwin, McFarlane, Thompson of Red River, Miller of Dallas, Schweppe, Melson, McCord, Rosser, Sweet of Brown, Curtis.

Criminal Jurisprudence.

Messrs. Seagler, Chairman; McCord, Vice Chairman; Henderson of McLennan, Beasley of Hopkins, Perkins of Cherokee, Fly, O. B. Black of Bexar, Miller of Parker, Henderson of Marion, Thrasher, Burns, Cox, Coffee, Williams of McLennan, Thompson of Red River, Binkley, Pool, Darroch, Burmeister, Johnson of Blanco, Swann.

Revenue and Taxation.

Messrs. Lackey, Chairman; W. A. Black of Bexar, Vice Chairman; Stevenson, Thomas of Limestone, Merriman, Looney, Smith of Travis, Perkins of Cherokee, Henderson of Marion, Morris of Montague, Pope, West, Rountree, Fugler, Quaid, John Davis of Dallas, Johnson of Wichita, Melson, Brown of Wilson, Carpenter, Rice.

Constitutional Amendments.

Messrs. John Davis of Dallas, Chairman; Veatch, Vice Chairman; Burkett, Cummins, Hill, Faubion, Mott, King, Baldwin, W. A. Black of Bexar, Chitwood, Miller of Dallas, Barker, Harrington, Burmeister, McCord, Rosser, Thorn, Estes, Crumpton, Neinast.

Education.

Messrs. Thomason, Chairman; Chitwood, Vice Chairman; Teer, Adams, Sweet of Tarrant, Rosser, Dinkle, Branch, Sneed, Westbrook, Fugler, Hanna, Mathes, Faubion, Hendricks, Perry, Laird, Fly, Rice, Kacir, Greer.

Public Health.

Messrs. Rogers of Shelby, Chairman; Shearer, Vice Chairman; Childers, Perkins of Lamar, Owen, McLeod, Kacir, Brady, Harrison, Westbrook, Wallace, Harrington, Quinn, Dinkle, Carpenter, Baldwin, Curtis, Crumpton, Kveton, Lawrence, Coffee.

State Affairs.

Messrs. Hall, Chairman; Pope, Vice Chairman; Fly, Leslie, Shearer, Patman, Faubion, Carpenter, Baldwin, Johnson of Blanco, Brady, Rowland, W. A. Black of Bexar, Malone, John Davis of Dallas, Barker, Binkley, Brown of Wilson, Sweet of Tarrant, Menking, Miller of Parker.

Judicial Districts.

Messrs. Rosser, Chairman; Quicksall, Vice Chairman; Carpenter, Owen, Cox, Williams of Montgomery, McFarlane, Thompson of Red River, Binkley, Sweet of Brown, Darroch.

Public Printing.

Messrs. Kellis, Chairman; Kacir, Vice Chairman; McFarlane, Thomas of Limestone, Greer, Pollard, Lauderdale, Grissom, Miller of Parker, Swann, Satterwhite.

State Eleemosynary and Reformatory Institutions.

Messrs. King, Chairman; Adams, Vice Chairman; Rogers of Shelby, Rice, Morgan, Moore, Johnson of Wichita, Sneed, Smith of Travis, Owen, Pollard, Lindsey, Harrison, Edwards, Thorn, Duffey, Hardin, Lauderdale, Laney, McDaniel, Williams of Montgomery.

Stock and Stock Raising.

Messrs. Bryant, Chairman; Sims, Vice Chairman; Quicksall, Neblett, Hanna, Beasley of McCulloch, Stewart of Reeves, Jones, Webb, Lackey, Quaid, Westbrook, Stewart of Edwards, Burmeister, Kellis, Duncan, Sweet of Brown, Crumpton, Bonham, Duffey, Hardin.

Agriculture.

Messrs. Williams of McLennan, Chairman; Westbrook, Vice Chairman; Barrett of Bell, Quicksall, Childers, Lauderdale, Bryant, Lindsey, McKean, Martin, Edwards, Melson, Duffey, Stevenson, Garrett, Greer, Laney, Looney, Beasley of Hopkins, Miller of Parker, Veatch.

Contingent Expenses.

Messrs. John E. Davis of Dallas, Chairman; Duncan, Vice Chairman; Grissom, Quinn, Moore.

Common Carriers.

Messrs. Horton, Chairman; Owen, Vice Chairman; Lawrence, Smith, Wadley, Fly, Bonham, Webb, Morris of Medina, Crawford, Laird, Martin, Rogers of Harris, Walker, Curtis, Pool, Marshall, Crumpton, Menking, Johnson of Blanco, Rowland.

Banks and Banking.

Messrs. Beasley of McCulloch, Chairman; Garrett, Vice Chairman; Hall, Laney, Cummins, Hendricks, Aiken, Beavens, Thompson of Harris, Lackey, West, Miller of Dallas, Wright, Wallace, Brown, Rosser, Coffee, Melson, Branch, Rice, Swann.

Penitentiaries.

Messrs. Teer, Chairman; Beavens, Vice Chairman; Kacir, Baker, Lawrence, Beasley of Hopkins, Rogers of Shelby, Thompson of Harris, Mott, Barrett of Bell, Pollard, Coffee, Stephens, McFarlane, Chitwood, McKean, Bass, Seagler, Barker, Rogers of Harris, Sneed.

Liquor Traffic.

Messrs. Morris of Medina, Chairman; Barker, Vice Chairman; Hill, Rogers of Shelby, Swann, Thompson of Red River, Quicksall, Fugler, Harrison, Barrett of Fannin, Thorn, Hardin, Veatch, McKean, Harrington, McLeod, Lawrence, Wright, Morris of Montague, W. A. Black of Bexar, Burns.

Labor.

Messrs. Bonham, Chairman; Brady, Vice Chairman; Childers, Grissom, Malone, Thompson of Red River, Rice, Wadley, Hendricks, Webb, Crawford, Harrington, Rogers of Harris, Barrett of Fannin, Walker, King, Wright, Stephens, Stevenson, Sims, Burns.

Oil, Gas and Mining.

Messrs. Curtis, Chairman; Johnson of Wichita, Vice Chairman; Bonham, Stew-

art of Reeves, Wadley, Beasley of Hopkins, Cummins, Merriman, Horton, Hall, O. B. Black of Bexar, Thomas of Limestone, McDaniel, King, Coffee, Kellis, Cox, Burkett, Perkins of Lamar, Lindsey, Menking.

Insurance.

Messrs. O. B. Black of Bexar, Chairman; Pollard, Vice Chairman; Teer, Pool, Henderson of McLennan, Hall, Greer, Horton, Baker, Cummins, Thompson of Harris, Hardin, Lackey, West, Adams, Williams of McLennan, Harrison, Wallace, Quinn, Duncan, John Davis of Dallas.

Game and Fisheries.

Messrs. Wright, Chairman; Walker, Vice Chairman; McLeod, Merriman, Carpenter, Darroch, Smith, Patman, Williams of Montgomery, Curtis, Quicksall, Looney, Shearer, Perry, Thomason, Brady, Branch, Quinn, Lawrence, Johnson of Blanco, Horton.

Public Lands and Buildings.

Messrs. Jones, Chairman; Baldwin, Vice Chairman; Stevenson, Thrasher, Pollard, Stewart of Reeves, Rowland, Quaid, Chitwood, Kellis, Marshall, Schweppe, Neinast, Sweet of Tarrant, Kacir, Rice, Westbrook, McDaniel, Bass, Kveton, Morris of Montague.

Engrossed Bills.

Messrs. Sneed, Chairman; Patman, Vice Chairman; Stewart of Edwards, Grissom, Martin.

Privileges, Suffrage and Elections.

Messrs. Darroch, Chairman; Burns, Vice Chairman; Seagler, Faubion, Perkins of Lamar, Bryant, Sneed, Dinkle, Duffey, Henderson of McLennan, Miller of Dallas, Perry, Thomason, Sweet of Tarrant, Veatch, Stephens, O. B. Black of Bexar, Malone, Kveton, Swann, Perkins of Cherokee.

Federal Relations.

Messrs. Estes, Chairman; Williams of Montgomery, Vice Chairman; Johnson of Ellis, Brady, Hendricks, Rice, Looney, Thompson of Red River, Thrasher, Morris of Medina, Mathes.

Conservation and Reclamation.

Messrs. Stewart of Reeves, Chairman; Laney, Vice Chairman; McLeod, Leslie, Neblett, Shearer, Perry, Johnson of

Ellis, Pope, Stewart of Edwards, Johnson of Wichita, Branch, Kellis, Duncan, Sims, Nelson, Neinast, Owen, Schweppe, Moore, Sneed.

Commerce and Manufactures.

Messrs. Bass, Chairman; Barrett of Bell, Vice Chairman; Dinkle, Barrett of Fannin, Harrison, Lindsey, Hanna, Looney, Sweet of Tarrant, Mott, Morgan.

Municipal and Private Corporations.

Messrs. Marshall, Chairman; Malone, Vice Chairman; Hill, Wadley, Morgan, Aiken, W. A. Black of Bexar, Schweppe, Laird, Perry, Garrett, Miller of Parker, Webb, Henderson of Marion, Rountree, Pope, Horton, Menking, Johnson of Ellis, Burns, Binkley.

Examination of Comptroller's and Treasurer's Accounts.

Messrs. Brown, Chairman; Wallace, Vice Chairman; Hanna, Perkins of Lamar, Fugler, Lindsey, Edwards, Stevenson, Garrett, Aiken, Wessels.

Enrolled Bills.

Messrs. Faubion, Chairman; Thrasher, Vice Chairman; Mathes, Greer, Laird.

Counties.

Messrs. McFarlane, Chairman; Childers, Vice Chairman; Leslie, Morris of Montague, Thorn, Beasley of Hopkins, Coffee, Rogers of Harris, Thomas of Limestone, Laird, Wessels.

Military Affairs.

Messrs. Thompson of Harris, Chairman; Mathes, Vice Chairman; Johnson of Ellis, Beavens, Stewart of Edwards, Thomason, Fugler, Quaid, Lauderdale, Martin, Kveton.

Roads, Bridges and Ferries.

Messrs. Fly, Chairman; Merriman, Vice Chairman; Pool, Rowland, Wessels, McDaniel, Beavens, Patman, Morgan, Perkins of Cherokee, Baker, Estes, McLeod, Hall, Sims, Walker, Darroch, John E. Davis of Dallas, Crawford, Miller of Parker, Thomas of Limestone.

ADJOURNMENT.

On motion of Mr. Curtis, the House, at 8:40 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

In Memory
of
Hon. W. A. Poage

Mr. Quicksall offered the following resolution:

Whereas, An all wise Creator has called to rest the Hon. W. A. Poage, of Waco, McLennan county, Place No. 1, an honored, able and valued member of the Thirty-fifth and Thirty-sixth House of Representatives; therefore, be it

Resolved, That in the death of the Hon. W. A. Poage the State has lost an able, conscientious statesman, the people a courageous and faithful champion of their interests, his county and community a splendid and upright citizen, his family a devoted husband and loving father, whose departure we deplore as a personal loss to each of us and especially those of us who served with him in the Thirty-fifth and Thirty-sixth House and were familiar with his splendid character and ability; be it further

Resolved, That the Clerk of the House furnish a copy of these resolutions to the family of the deceased, that same be printed in the Journal and that when the House adjourns today that it adjourn out of respect to his memory.

BEASLEY of McCulloch,
CHILDERS,
QUICKSALL,
FLY,
WILLIAMS of McLennan,
KING,
HENDERSON of McLennan.
THOMAS of Denton, Speaker.

The resolution was read second time.

Mr. Quicksall moved to adopt the resolution by rising vote.

The motion prevailed, and the resolution was adopted unanimously.